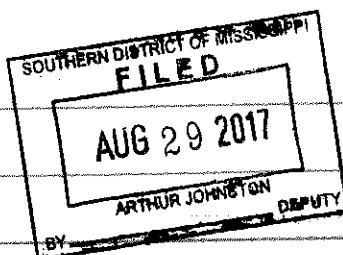


-18



9-15-17

Leroy Lewis

Petitioner

vs.

No. 3:17-cv-324-CWR-LRA

Sheriff Billie Spotts

Respondent

Comes now the petitioner in the above referenced cause and respectfully you give Jim Hood 20 day to answer the order And he didn't do so I have ask for another Lawyer because she is not in my best interest I have wrote up to the Mississippi Bar but nothing happen in when I sign for psychiatric examination and Treatment she said that I was signing for the treatment she didn't read it to me or nothing if she would had said that I am waive the right to a speedy trial I would not sign you see that I have not sign any of the set off paper the ones that I did sign I cross out that I am waive the right to a speed trial And if you see how the went and Circular the case number if it is on they paper it should be on my paper then I would to know what case number I am send you a copy of all the paper that got and that what the Dr. W. Criss left said that someone should read and explain to me what I am sign I am having someone help me with my reading and my writing I want to thank you for your time.

Leroy Lewis 9-15-17
Leboyderie 9-15-17

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

PETITIONER

CASE NO: 3:17-cv-00324-CWR-LRA

RESPONDENT

LeRoy Lewis

versus

Sheriff Billie Solie

MOTION TO DISMISS FOR THE STATE'S VIOLATION
OF THE DEFENDANT'S SIXTH AMENDMENT RIGHT TO SPEEDY TRIAL
AND THE STATE'S VIOLATION OF THE 720 DAY RULE

COMES NOW DEFENDANT, LeRoy Lewis, by and through his
undersigned attorney and submits his motion to dismiss in the
above styled and numbered cause, and in support thereof would
show with the court the following:

1. On or about December 19, 2014 defendant was arrested
on the charges of Murder, Aggravated Assault and Simple Assault
on a law enforcement officer. As of July 18, 2017, the date this
cause is set for trial, he has been in jail for 760 days.

The defendant's right to speedy trial is fundamental

2. The Sixth Amendment of the U.S. Constitution guarantees a
defendant the right to a speedy trial. U.S. Const. Amend. VI. See also,
STATE OF MISSISSIPPI V. WOODALL, 801 So.2d 676, 681 (MISS. 2001) indeed,
the right to speedy trial has been deemed a fundamental right

Woodall, *Supra*, citing *Klopfer v. North Carolina*, 386 U.S. 213, 903 (1967). The Mississippi Constitution of 1890 also guarantees a defendant the right to a speedy trial. Miss. Const. Art 3, § 26.

Henry Lewis
DeLoach, Lewis

The Barker Factors

3. The Seminal Case on the issue of the Sixth Amendment right to a speedy trial is *Barker v. Wingo* and the Supreme Court of Mississippi has consistently applied its factors. *Woodall, Supra*, Citing *Barker v. Wingo*, 407 U.S. 54 (1972); See Also, *Perry v. State*, 419 So.2d 194, 198 (Miss. 1982); *Wells v. State*, 280 So.2d 863, 862-63 (Miss. 1974).

IN *Barker*, the U.S. Supreme Court held that Court should consider the following:

1. the length of delay;

2. the reason for the delay;

3. the defendant's assertion of his right to a speedy trial; and *Woodall, Supra*, Citing *Barker v. Wingo*, 407 U.S. 54, 530 (1972).

With regard to the first factor, length of delay, the Supreme Court has held that a delay of eight months between arrest and indictment is "presumptively prejudicial" *Woodall, Supra*, Citing *Smith v. State*, 550 So.2d 406, 408 (Miss. 1989). In this case, it has been over nine hundred and ten (910) days since the defendant has been indicted and over five hundred and fifty seven (557) days since his arrest. Pursuant to *Smith v. State*, the presumption of prejudice has been met. As such, the defendant's right to a speedy trial has been violated.

The 270 Day Rule

C. Miss. Code, Ann § 99-17-1 mandates that, unless good cause be shown all indictment presented to the Court shall be tried no later than 270 days after accused has been arraigned.

5-16

In this case, more than two hundred and seventy (270) days will have elapsed since arraignment and the State can offer no reasonable excuse for the delay. This case must be dismissed.

Wherefore, for the above reasons, the above Indictment against this defendant should be dismissed.

Respectfully Submitted, this the 9 day of Aug

2017

LeRoy Lewis

LeRoy Lewis

6-18



THE MISSISSIPPI BAR

Mr. Leroy Lewis
 Lauderdale County Detention Center
 2001 5th Street
 Meridian, MS 39301

March 23, 2017

Post Office Box 2168
 Jackson, Mississippi 39225-2168
 Telephone (601) 948-4471
 Fax (601) 355-8635
 E-Mail info@msbar.org
 Website www.msbar.org

Dear Mr. Lewis:

Your Request for Assistance has been received and reviewed. Merely mailing a letter or request to The Mississippi Bar does not mean that you have filed a bar complaint against an attorney.

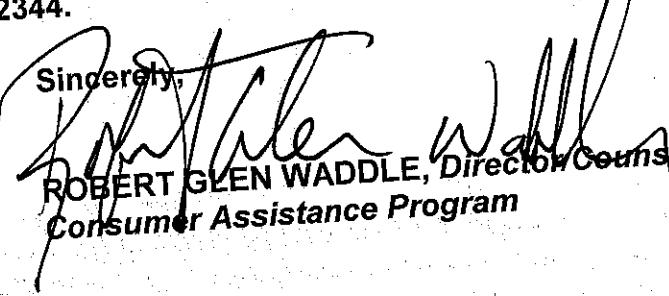
The Mississippi Bar does not handle, intervene, take over or provide representation in any individual cases whatsoever. Further, The Mississippi Bar does not refer, recommend, appoint or assign attorneys in any manner whatsoever. The Mississippi Bar does not examine ineffective assistance of counsel claims. Filing a bar complaint will not remove your appointed attorney.

Your attorney has been appointed by the Circuit Court to represent you in this criminal matter and is allowed to use professional judgment in handling your case. Any requests or demands to have your attorney removed or withdrawn from your case must be directed to the Circuit Court or the Mississippi Supreme Court (on appeal) for further consideration. The Mississippi Bar does not have anything to do with the appointment or withdrawal of attorneys in criminal cases. By copy of this letter, I am notifying Ms. Amanda Evans of your contact with this office.

If I do not hear from you regarding this matter within 30 days from the date of this letter, then I will consider this matter to be concluded as far as the Consumer Assistance Program is concerned, and I will permanently close this file and the contents will be destroyed.

If you have any questions regarding this letter, please do not hesitate to give me a call on my direct line at (601) 948-2344.

Sincerely,


 ROBERT GLEN WADDLE, Director/Counsel
 Consumer Assistance Program

RGW

cc: Amanda Evans, Esq.

YOUR DOCUMENTS ARE LOCATED IN FILE NO. 17-235
 OF THE CONSUMER ASSISTANCE PROGRAM FILES

7-45

IN THE CIRCUIT COURT OF LAUDERDALE COUNTY
THE STATE OF MISSISSIPPI

THE STATE OF MISSISSIPPI

v.

Criminal Cause No. 161-15

LEROY LAMONT LEWIS
B/M; DOB: December 17, 1982; SSN: 419-15-0051

ORDER FINDING DEFENDANT COMPETENT TO STAND TRIAL

This cause having come before the Court for hearing on the issue of the Defendant's competence and mental state at the time of the offense and the Court listened to all evidence offered by the Defendant as well as considered the report of Dr. Chris Lott, expert appointed by the Court, and after considering all evidence and argument, finds

- (A) the Defendant has sufficient present ability to consult with his attorney with a reasonable degree of rational understanding in the preparation of his defense, and has a rational as well as factual understanding of the nature and object of the legal proceedings against him; and
- (B) the Defendant would have been able to know the nature and quality of his alleged actions and he would have been able to know the difference between right and wrong in relation to his alleged actions at the time of the alleged offense.

IT IS, THEREFORE, ORDERED AND ADJUDGED, that the Court finds beyond a reasonable doubt that the Defendant is competent to stand trial, is able to assist counsel at trial, and was not McNaughton insane at the time of the alleged offense.

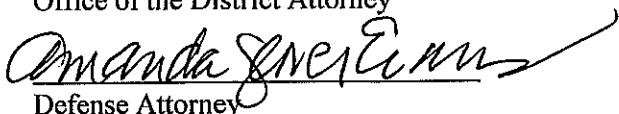
SO ORDERED AND ADJUDGED, this, the _____ day of _____, 2016.

CIRCUIT JUDGE

Agreed as to form:



Office of the District Attorney



Defense Attorney

Westlaw

Miss. Code Ann. § 99-17-1

C

West's Annotated Mississippi Code Currentness

Title 99. Criminal Procedure

↪ Chapter 17. Trial

→ → **§ 99-17-1. Trial within 270 days of arraignment**

Unless good cause be shown, and a continuance duly granted by the court, all offenses for which indictments are presented to the court shall be tried no later than two hundred seventy (270) days after the accused has been arraigned.

CREDIT(S)

Laws 1976, Ch. 420, § 1, eff. July 1, 1976.

Current through 2014 Regular and First and Second Extraordinary Sessions.

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END OF DOCUMENT

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STATE OF MISSISSIPPI

VS.

NO. Wet 15

Leroy Lamont Lewis

ORDER RESETTING CAUSE

Come this day to be heard this cause upon motion and the Defendant represented by counsel and the State by the District Attorney, having agreed upon a resetting for the above described cause from the 21 day of May, 20 15 to the

28 day of July, 20 15, for good cause shown as follows:

Defense attorney to file Motion to Withdraw

and the Defendant waives the right to a speedy trial. obdL

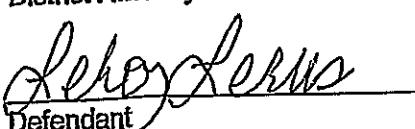
It is therefore ordered and adjudged that this cause be and is hereby set for trial on the 28 day of July, 20 15 at 9:00 a.m.

SO ORDERED AND ADJUDGED this the _____ day of _____, 20 ____.



Defense Attorney

CIRCUIT JUDGE

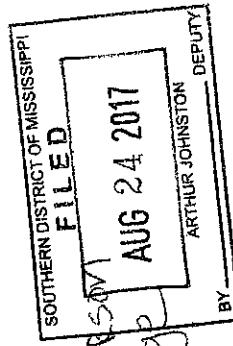
District Attorney


Defendant



17 AUG 2017 10:44 AM

Levon Lewis
L.G.F.
2001 5th Street
Meridian, MS 39301



Judge Linda R. Anderson
U.S. Magistrate Judge
U.S. District Court
Southern District Court
501 E. Court Street
Suite 6150

33203-3025 Jackson, Mississippi 39201

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1828

Thank for your time